

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 8 D.C.
05 SEP 15 PM 1:15

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
W/D OF TN, JACKSON

RAYMOND ANDREW CLARK,

Plaintiff,

VS.

TONY PARKER,

Defendant.

No. 05-1092-T/An

ORDER DENYING MOTION TO ISSUE WRIT OF HABEAS CORPUS
IF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED

Plaintiff Raymond Andrew Clark has filed a motion asking the Court to issue a writ of habeas corpus in this case if he is successful on his pending motion for summary judgment in a related case brought pursuant to 42 U.S.C. § 1983, docket no. 04-1174-T/An. Plaintiff states that such a conditional issuance of the writ is necessary because the relief granted in the § 1983 action would not necessarily be an immediate release from prison.

While essentially the same issues are raised in both cases, the Court will not make any advance, conditional rulings regarding the relief to be granted in either case. Therefore, plaintiff's motion is DENIED.

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

15 September 2005
DATE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 9/15/05



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Honorable James Todd
US DISTRICT COURT